

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4 and 2010 Iowa Acts, Senate File 2388, section 5(4), the Department of Human Services amends Chapter 36, "Facility Assessments," and Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments were Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on June 30, 2010, as **ARC 8894B**. Notice of Intended Action on these amendments was published as **ARC 8896B** on the same date. The Department received no comments on the Notice of Intended Action.

Legislation in 2010 Iowa Acts, Senate File 2388, directed the Department to implement a hospital assessment. After reviewing several models of a hospital assessment and revising parameters in consultation with hospital industry representatives, the Department has chosen the model described in these amendments for hospitals other than state-owned hospitals and critical access hospitals. Implementation of the amendments is conditional upon federal approval by the Centers for Medicare and Medicaid Services.

The health care access assessment rate for a participating hospital is calculated as 1.26 percent of net patient revenue as specified in the hospital's Medicare cost report for fiscal year 2008. The hospital shall pay the assessment to the Department on a quarterly basis, no later than 30 days following the end of each calendar quarter. The reimbursement methodology for participating hospitals is modified to provide a health care access assessment inflation factor that is applied to the inpatient diagnosis-related group (DRG) rates and outpatient ambulatory patient classification (APC) base rates.

These amendments are identical to those Adopted and Filed Emergency and published under Notice of Intended Action.

The Council on Human Services adopted these amendments on September 15, 2010.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments shall become effective on November 10, 2010, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

These amendments are intended to implement Iowa Code section 249A.4, 2009 Iowa Code Supplement chapter 249L, and 2010 Iowa Acts, Senate File 2388.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [Ch 36 div II preamble, 36.6, 36.7, Ch 36 div III, 36.10 to 36.12, 79.1] is being omitted. These amendments are identical to those published under Notice as **ARC 8896B** and Adopted and Filed Emergency as **ARC 8894B**, IAB 6/30/10.

[Filed 9/15/10, effective 11/10/10]

[Published 10/6/10]

[For replacement pages for IAC, see IAC Supplement 10/6/10.]